

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 25, 33, 37, and 44. Applicant respectfully submits no new matter has been added. Accordingly, claims 25-47 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 101

Claims 44-47 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant disagrees.

The Examiner argues that because the Specification states that the content provider can be implemented in software, claims 44-47 are directed to non-statutory subject matter. The Applicant's Specification states: "The means of the content provider 200 in FIG. 6, i.e., the I/O unit 210, cookie generator 230 and database processor 240 can be implemented **in software, in hardware or as a combination of software and hardware**." (emphasis added) (See ¶ [0094] of Applicant's Published Specification). As such, Examiner is incorrect in the assumption that Applicant's claimed invention may only be implemented in software. Withdrawal of the rejection is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 25-29, 33-36; 37-43 44-46; 47 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cranor, *et al.* (Platform for Privacy Preferences Syntax Specification). Applicant respectfully disagrees.

The rejection set forth in the Office Action dated February 19, 2008, hinges directly on the Examiner's reading of Cranor's "agreement ID" on the "cookie policy receipt" of the present invention. The Examiner relies on this characterization by arguing that "cookie policy receipt" is being given its broadest possible interpretation. Independent claims 25, 33, 37, and 44 have been amended to recite a "cookie-policy receipt specifying whether a user associated with said user agent accepts or rejects the

privacy policy". Support for this amendment may be found at least at Applicant's Published Specification, ¶ [0065].

Applicant claims a cookie policy receipt that specifies whether a user associated with a user agent accepts or rejects the privacy policy. The Examiner argues that the cookie-policy receipt of Applicant's claims is taught by Cranor's agreement ID, however, the agreement ID is only a fingerprint of an agreement that required input from both the service and the user. Cranor does teach that a proposal can be refused (See Cranor, Section 3.3.2), using a Sorry message (SRY) (See Cranor, Section 3.3.3). However, Cranor teaches that its refusal includes a reason code and an agreement ID. This teaching by Cranor implies that the refusal scenario in Cranor applies to a situation where there is a previous agreement between the service and the user agent. Cranor teaches that its agreement ID is a small unit of information that indicates both parties have agreed on a common proposal. (See Cranor, Section 1.4, Terminology) As such, Cranor teaches away from its agreement ID "specifying whether a user associated with said user agent accepts or rejects the privacy policy," since the agreement ID of Cranor by definition cannot indicate a rejection of the privacy policy.

In view of the above, it is quite clear that Cranor fails to teach a "cookie policy receipt" as recited by independent claims 25, 33, 37, and 44. Applicant respectfully submits that independent claims 25, 33, 37, and 44 are patentable over Cranor. As such, claims 26-29, 34-36, 38-43, and 45-47 are patentable at least by virtue of depending from their respective base claims.

4.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 31-32 and 43 as being unpatentable over Cranor in view of Mitchell, *et al.* (U.S. Patent No. 6,959,420). The Applicant traverses the rejections.

As noted *supra*, Cranor fails to anticipate claims 25 and 37 because it does not teach a "cookie-policy receipt specifying whether a user associated with said user agent accepts or rejects the privacy policy". Mitchell likewise fails to teach that aspect of Applicant's claimed invention. Therefore, whereas claims 31-32 and 43 are dependent

from claims 25 and 37, respectively, and include the limitations of their respective base claims, those claims are not obvious over Cranor in view of Mitchell.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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